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JUL - 9 2009

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AO 241
(Rev. 10/07)AT 8:30 _____ M
WILLIAM T. WALSH, CLERKPETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District: NEW JERSEY
Name (under which you were convicted): GEORGE BRATSENIS SBI# 841908A-203120		Docket or Case No.: 09-3429(DMC)
Place of Confinement: NORTHERN STATE PRISON 168 FRONTAGE RD. P.O. BOX 2300 NEWARK, NJ 07114-0300		Prisoner No.: SBI# 841908A-203120
Petitioner (include the name under which you were convicted) GEORGE BRATSENIS		Respondent (authorized person having custody of petitioner) v. LARRY GLOVER, ET. AL.
The Attorney General of the State of NEW JERSEY		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

I HAVE YET TO BE CONVICTED, AS THESE CHARGES HAVE BEEN PENDING IN THE SUPERIOR COURT OF THE STATE OF CONNECTICUT, FAIRFIELD COUNTY FOR WELL OVER 32 YEARS. I HAVE MADE DEMAND VIA IAD, WITHOUT RESPONSE.

(b) Criminal docket or case number (if you know): SEE ATTACHED

2. (a) Date of the judgment of conviction (if you know): SEE ATTACHED

(b) Date of sentencing: SEE ATTACHED

3. Length of sentence: SEE ATTACHED

4. In this case, were you convicted on more than one count or of more than one crime? ☐ Yes ☐ No

5. Identify all crimes of which you were convicted and sentenced in this case:

6. (a) What was your plea? (Check one)

☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☐ No

8. Did you appeal from the judgment of conviction?

☐ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court:

(b) Docket or case number (if you know):

(c) Result:

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised:

(g) Did you seek further review by a higher state court? ☐ Yes ☐ No

If yes, answer the following:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Result:

(4) Date of result (if you know):

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(5) Citation to the case (if you know):

(6) Grounds raised:

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☐ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(c) If you filed any third petition, application, or motion, give the same information:

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☐ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: I HAVE BEEN DEINED MY RIGHT TO DEMAND ADJUDICATION OF OPEN DETAINERS/CHARGES/INDICTMENT/INFORMATIONS VIA THE INTERSTATE AGREEMENT DETAINERS (IAD) CURRENTLY DENYING MY ABILITY TO SEEK REDUCED CUSTODY.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I HAVE BEEN DENIED REDUCED CUSTODY DUE TO THESE ALLEGED OPEN CHARGES PENDING IN THE STATE OF CONNECTICUT. I HAVE BEEN CONTINUOUSLY INCARCERATED SINCE 1984, FOR CHARGES IN FEDERAL COURT FROM THE DISTRICT OF CONNECTICUT UPON COMPLETION OF MY FEDERAL SENTENCE I WAS TRANSFERRED IN 1994 TO THE STATE OF NEW JERSEY TO FINISH SERVING A 50 YEAR SENTENCE, WITH A 25 YEAR MANDATORY MINIMUM. I AM ELIGIBLE FOR PAROLE IN OCTOBER 2010, AND MY MAXIMUM SENTENCE EXPIRES PRESENTLY IN 2012.

I HAVE REPEATEDLY ATTEMPTED TO SIGN THE IAD, AND HAVE NOT BEEN GRANTED ACCESS.

(b) If you did not exhaust your state remedies on Ground One, explain why:

THIS IS A MATTER INVOLVING THE STATE OF CONNECTICUT, INVOLVING THE IAD, AND I CAN ONLY SEEK IT'S EXHAUSTION IN FEDERAL COURT.

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(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

GROUND TWO:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

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Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :
have used to exhaust your state remedies on Ground Two

GROUND THREE:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Three, explain why?

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

- (b) If you did not exhaust your state remedies on Ground Four, explain why:

- (c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

- (d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

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Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

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13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

THIS IS A MATTER PENDING IN THE STATE OF CONNECTICUT FOR OVER 32 YEARS WITHOUT RESOLUTION, AND FALLS UNDER THE IAD, AND IS SUBJECT OF FEDERAL COURT.

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, ground or grounds have not been presented, and state your reasons for not presenting them:

NO

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the raised.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: *NONE*

(b) At arraignment and plea: *"*

(c) At trial: *"*

(d) At sentencing: *"*

(e) On appeal: *"*

(f) In any post-conviction proceeding: *"*

(g) On appeal from any ruling against you in a post-conviction proceeding: *"*

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☒ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

SUPERIOR COURT OF THE STATE OF CONNECTICUT, SEE ATTACHED

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

I WAS ONLY MADE AWARE OF THESE ALLEGED DETAINERS/WARRANTS/INDICTMENTS/ INFORMATION ON APRIL 20, 2009. I HAVE ATTEMPTED TO CHALLENGE THESE, OR SEEK ADJUDICATION VIA THE IAD, WITHOUT ANY RESPONSE.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

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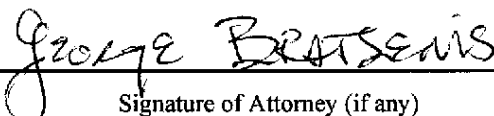
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- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

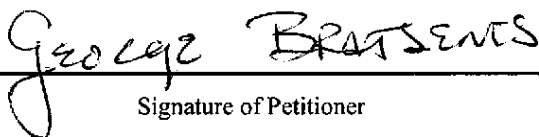
DISMISS ALL OF THE OPEN DETAINERS AS LISTED (SEE ATTACHED) FROM THE STATE OF CONNECTICUT FOR FAILING TO SEEK THERE ADJUDICATION UPON DEMAND VIA THE IAD.

or any other relief to which petitioner may be entitled.


Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 6/30/2009 (month, date, year).

Executed (signed) on _____ (date).


Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

Arrest Event Date	1975-05-01	

Arrest Date	1975-05-01	
Arrest Case Number	B-12148	
Arresting Agency	CT0013500 POLICE DEPARTMENT STAMFORD	
Charge	01	
Charge Literal	ROBBERY 1ST	
Severity	Unknown	<i>Nolle Prossed</i>
===== Cycle 005 =====		
Earliest Event Date	1977-03-28	

Arrest Date	1977-03-28	
Arrest Case Number	B-12148	
Arresting Agency	CT0013500 POLICE DEPARTMENT STAMFORD	
Charge	01	
Charge Literal	FUGITIVE FROM JUSTICE-NY	<i>flight (escape)</i>
Severity	Unknown	
===== Cycle 006 =====		
Earliest Event Date	1977-07-25	

Arrest Date	1977-07-25	
Arrest Case Number	77-23654	
Arresting Agency	CT0010300 POLICE DEPARTMENT NORWALK	
Charge	01	
Charge Literal	BURG 3RD	
Severity	Unknown	
Charge	02	
Charge Literal	CONSPIRACY	<i>Dismissed</i>
Severity	Unknown	

Court Disposition	(Cycle 006)	
Court Agency	Unknown	
Charge	01	
Charge Literal	BURG 3RD CHG TO ATPT BURG 3RD	
Severity	Unknown	
Disposition	(Dismissed 1978-01-31; CHARGE DISMISSED- NOLLE)	
Charge	02	
Charge Literal	POSS BURG TOOLS	
Severity	Unknown	

Charge	03	
Charge Literal	CRIM ATPT CR TRESP	
Severity	Unknown	
Disposition	(Convicted 1978-01-31; CONVICTED- 6M CONFINEMENT, 1Y PROBATION)	
===== Cycle 007 =====		
Earliest Event Date	1977-10-23	

Arrest Date	1977-10-23	
Arrest Case Number	MIDDLETOWN	
Arresting Agency	CTCSP0100 STATE POLICE B OF I	
Charge	01	
Charge Literal	WEAPONS IN MOTOR VEH 29-38	
Severity	Unknown	
Charge	02	
Charge Literal	POSS OF BURGLER TOOLS	
Severity	Unknown	
Charge	03	
Charge Literal	CONSPIRACY TO COMMIT ROBBERY	